NOTIFICATION.

32

No. R. L. 1628-57, dated Bangalore, the 10th December 1948.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the *Mysore Gazette* of the Mysore Labour Bill together with the Statement of Objects and Reasons.

S. KANAKARATNARAJ,
Legal Remembrancer and
Secretary to Government,
Law Department.

33

THE MYSORE LABOUR BILL.

Arrangement of Clauses.

CHAPTER I.

PRELIMINARY.

1 Short title, commencement, extent and application
2 Recognition of association of employees
3 Definitions.

CHAPTER II.

AUTHORITIES TO BE CONSTITUTED OR APPOINTED UNDER THIS ACT AND THEIR POWERS.

4 Commissioner and Assistant Commissioners of Labour.
5 Registrar of Associations.
6 Chief Conciliator, Conciliators and Special Conciliators.
7 Board of Conciliation.
8 Labour Officer and Assistant Labour Officers.
9 Industrial Court.
10 Powers of the Commissioner of Labour.
11 Commissioner's duties.
12 Powers of Conciliators, Special Conciliators, Boards, Courts, and Industrial Court.

CHAPTER III.

REGISTRATION OF ASSOCIATIONS.

13 Mode of registration.
14 Application for registration.
15 Provisions to be contained in the rules of an association.
16 Power to call for further particulars.
17 Registration.
18 Cancellation of registration.
19 Application for re-registration.
20 Liability of members of association not relieved by withdrawal or cancellation of registration.
21 Appeal to Industrial Court from orders of Registrar.
22 Registered office.
23 Incorporation of registered association.
24 Certain Acts not to apply to registered associations.

CHAPTER IV.

RIGHTS AND LIABILITIES OF REGISTERED ASSOCIATIONS.

25 Objects on which general funds may be spent.
26 Immunity from civil suit in certain cases.
27 Enforceability of agreements.

28 Right to inspect book of association.
29 Right of minors to membership of associations.
30 Change of name.
31 Federation of associations.
32 Notice of change of name.
33 Effect of change of name.
34 Dissolution.
35 Returns.
36 Liability of the executive of an association.
37 Representation in proceedings.

CHAPTER V.

POWERS AND DUTIES OF LABOUR OFFICER.

38 Powers and duties of Labour Officer.

CHAPTER VI.

STANDING ORDERS.

39 Settlement of standing orders by the Commissioner of Labour.
40 Appeal to the Industrial Court.
41 No alteration in standing orders for six months.
42 Review.
43 Standing orders to be determinative.

CHAPTER VII.

CHANGES.

44 Employers or association desiring change in standing orders and other industrial matters to give notice.
45 Agreement regarding change.
46 Agreement to come into force.
47 Illegal change.

CHAPTER VIII.

WORKS COMMITTEES.

48 Works Committees.

CHAPTER IX.

CONCILIATION PROCEEDINGS.

49 Report of disputes to be sent to the Commissioner of Labour Registrar, Chief Conciliator and Conciliator.
50 Report of dispute between employees and employees.
51 Commencement of conciliation proceeding.
52 Conciliation proceeding.
53 Power of Chief Conciliator to intervene.
54 Settlement and report.
55 Reference to Board.

56 Procedure of Conciliator and Board.
57 Reference to Industrial Court by Conciliator or Board.
58 Time limit for stages of conciliation proceeding.
59 Completion of conciliation proceeding.
60 Conciliation proceeding not to be commenced or continued in certain cases.
61 Conciliation proceeding discontinued deemed to be completed.

CHAPTER X.

ARBITRATION.

62 Submission.
63 Submission when revocable.
64 Proceedings in arbitration.
65 Special case to be stated to Industrial Court.
66 Award by arbitrator.
67 Dispute to be referred to Industrial Court if no arbitrator appointed.
68 Government may refer industrial dispute to Industrial Court for arbitration.
69 Publication of award.
70 Date on which award shall come into operation.
71 Completion of arbitration proceeding.

CHAPTER XI.

INDUSTRIAL COURT.

72 Duties of Industrial Court.
73 Cancellation of registration of association.
74 Reference on point of law.
75 Reference regarding interpretation of Act and Rules.
76 Procedure before Industrial Court.
77 Execution of order as to costs.
78 Parties on whom order of Industrial Court binding.
79 Order of Industrial Court not liable to appeal or review.
80 Officer to appear in proceeding before Industrial Court.

CHAPTER XII.

STRIKES AND LOCK-OUTS.

81 Prohibition of strikes and lock-outs in public utility services.
82 Illegal strikes.
83 Illegal lock-outs.
84 Reference to Industrial Court for declaration whether strike or lock-out is illegal.

CHAPTER XIII.

COURTS OF ENQUIRY.

85 Constitution, Duties and Powers of Court of Enquiry.

CHAPTER XIV.

CONTROL OVER INDUSTRIES.

86 Power to control an industry.
87 Power to deduct expenses of control.
88 Penalty.
89 Offence to be deemed cognisable.
90 Offence by a corporation.
91 Order or direction not to be called in question.
92 Revocation of order.

CHAPTER XV.

PENALTIES.

93 Employer not to dismiss, reduce or punish an employee.
94 Penalty for declaring illegal lock-out.
95 Penalty for going on illegal strike.
96 Power of Industrial Court to declare strike or lock-out to be legal or illegal.
97 Penaly for instigating, etc., illegal strike and lock-out.
98 Penalty for disclosing confidential information.
99 Penalty for illegal change.
100 Penalty for contravention of a standing order.
101 Penalty for obstructing person from carrying out duties.
102 Penalties for offences not provided for elsewhere.
103 Recovery of fines.

CHAPTER XVI.

RECORD OF INDUSTRIAL CONDITIONS.

104 Record of conditions of work, etc.
105 Inquiry for collection of information.

CHAPTER XVII.

MISCELLANEOUS.

106 Modifications in Schedules.
107 Agreement, etc., on whom binding.
108 Order or decision of the Industrial Court on whom binding.
109 Agreement, etc., when to cease to have effect.
110 Offence by companies, etc.
111 Information furnished by party to be treated as confidential
112 Repeal of the Mysore Labour Act, 1942.
113 Protection of persons acting in good faith.
114 Jurisdiction of courts.
115 Rules.

SCHEDULE I.

SCHEDULE II.

SCHEDULE III.

37

A Bill to consolidate and amend the law relating to the organisation of employees and the settlement of industrial disputes.

WHEREAS it is expedient to consolidate and amend the law relating to the organisation of industrial employees into associations to secure their welfare and the settlement of industrial disputes and for certain other purposes hereinafter appearing—

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, commencement, extent and application.

1. (1) This Act may be called the Mysore Labour Act, 194 .

(2) It shall come into force at once.

(3) It extends to the whole of Mysore.

(4) It shall apply to all industrial concerns whether owned by a person or by the Government or by a local authority.

Recognition of association of employees.

2. (1) The right of employees in an industrial concern to combine into an association for the promotion of their common interests is hereby recognised and declared:

Provided that there shall be only one association of employees in respect of an industrial concern.

(2) The Government may extend this right to employees in small industrial concerns engaged in work of the same nature in any local area or to employees in industrial concerns engaged in work of the same nature located in different areas.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context—

(1) "association" means any combination of employees in any industrial concern formed mainly for the purpose of regulating the relations between employees and employers or between employees and employees of that concern and includes a federation of two or more such associations.

(2) "award" means any interim or final determination in an arbitration proceeding of any industrial dispute or of any question relating thereto.

(3) "Board" means the Board of Conciliation constituted under this Act;

(4) "change" means an alteration in any industrial matter;

(5) "Commissioner of Labour" includes an Assistant Commissioner of Labour;

(6) "conciliation proceeding" means any proceeding held by a Conciliator or a Board under this Act;

(7) "Conciliator" means any Conciliator appointed under this Act and includes the Chief Conciliator or a Special Conciliator;

(8) "Court" means a Court of enquiry constituted under section 83;

(9) "employee" means any person employed to do any skilled or unskilled manual or clerical work for hire or reward in any industry, and includes—

(*a*) a person employed by a contractor to do any work for him in the execution of a contract with an employer within the meaning of subclause (*e*) of clause (10),

(*b*) a person who has been dismissed or discharged from employment on account of any dispute relating to a change in respect of which a notice is given or an application made under section 44 whether before or after his discharge;

(10) "employer" includes—

(*a*) an association or a group of employers;

(*b*) any agent of an employer;

(*c*) where an industry is conducted or carried on by a department of the Government, the authority prescribed in that behalf, and where no such authority has been prescribed the head of the department;

(*d*) where an industry is conducted or carried on by or on behalf of a local authority, the chief executive officer of such authority; or

(*e*) where the owner of any industrial concern in the course of, or for the purpose of, conducting such concern contracts with any person for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the concern, the owner of the concern;

(11) "industrial concern" means a unit of industry under one employer in the same city, town or village;

39.

(12) "industrial dispute" means any dispute or difference between an employer and employee or between employers and employees or between employees and employees and which is connected with any industrial matter;

(13) "industrial matter" means any matter relating to work, pay, wages, rewards, hours of work, privileges, rights or duties of employers or employees or the mode, terms and conditions of employment or non-employment and includes—

(*a*) all matters pertaining to the relationship between employers and employees, or to the dismissal or non-employment of any person;

(*b*) all matters pertaining to the demarcation of functions of any employees or classes of employees;

(*c*) all matters pertaining to any right or claim under or in respect of or concerning an agreement, settlement, or award made under this Act;

(*d*) all questions of what is fair and right in relation to any industrial matter, having regard to the interest of the person immediately concerned and of the community as a whole;

(14) "Industry" means—

(*a*) any business, trade, manufacture or undertaking or calling of employers;

(*b*) any calling, service, employment, handicraft or industrial occupation or avocation of employees; and includes—

(i) any branch of an industry or group of industries which the Government may, by notification in the official Gazette, declare to be an industry for purposes of this Act;

(ii) agriculture and agricultural operations from such date as the Government may notify in that behalf;

(15) "Labour Officer" means a Labour Officer appointed under this Act;

(16) "local area" means any area notified by the Government as a local area for the purposes of this Act;

(17) "lock-out" means the closing of a place or part of a place of employment or the total or partial

suspension of work by an employer, or the total or partial refusal by an employer to continue to employ persons employed by him, where such closing, suspension or refusal occurs in consequence of an industrial dispute and is intended for the purpose of—

(*a*) compelling any of the employees directly affected by such closing, suspension or refusal or any other employees of his ;or

(*b*) aiding any other employer in compelling persons employed by him,

to accept any term or condition of or affecting employment ;

(18) "member" means a person who is an ordinary member of an association and who is paying a subscription of not less than one anna per month and the term "membership" shall be construed accordingly and shall include an honorary member holding an office in the association ;

(19) "prescribed" means prescribed by rules made under this Act ;

(20) "public utility service" means—

(i) any railway service ;

(ii) any section of an industrial concern, on the working of which the safety of the concern or the employees employed therein depends ;

(iii) any postal, telegraph or telephone service ;

(iv) any industry, which supplies power, light or water to the public ;

(v) any system of public conservancy or sanitation ;

(vi) any industry specified in Schedule III which the Government may, if satisfied that public emergency or public interest so requires, by notification in the Official Gazette declare to be a public utility service for the purposes of this Act, for such period as may be specified in the notification :

Provided that the period so specified shall not, in the first instance, exceed six months, but may, by a like notification, be extended from time to time, by any period not exceeding six months, at any one time if in the opinion, of the Government public emergency or public interest requires such extension ;

(21) "registered association" means an association of employees registered under this Act ;

(22) "registered office" means that office of an association which is registered under this Act as the head office thereof;

(23) "Registrar" means a person for the time being appointed to be the Registrar of Associations under this Act;

(24) "Schedule" means a schedule appended to this Act;

(25) "settlement" means a settlement arrived at during the course of a conciliation proceeding;

(26) "strike" means a total or partial cessation or slowing down of work by employees employed in an industrial concern acting in combination or a concerted refusal or a refusal under a common understanding of employees to continue to work or to accept work, where such cessation or slowing down or refusal is in consequence of an industrial dispute in any industrial concern and is intended for the purpose of compelling any employer to accept any term or condition of or affecting employment.

CHAPTER II.

AUTHORITIES TO BE CONSTITUTED OR APPOINTED UNDER THIS ACT AND THEIR POWERS.

Commissioner and Assistant Commissioners of Labour

4. (1) The Government shall, by notification in the Official Gazette, appoint a person to be the Commissioner of Labour whose jurisdiction shall extend throughout Mysore.

(2) The Government may also appoint for any local area or otherwise one or more Assistant Commissioners of Labour, who shall exercise such of the powers and perform such of the duties of the Commissioner as may be delegated by him, and subject to his control and supervision.

Registrar of Associations.

5. (1) The Government shall, by notification in the Official Gazette, appoint a person to be the Registrar of Associations for the whole of Mysore.

(2) The Registrar shall maintain a register of associations registered by him and such other registers as may be prescribed.

Chief Conciliator, Conciliators and Special Conciliators.

6. (1) The Government may, by notification in the Official Gazette, appoint a person to be the Chief Conciliator whose jurisdiction shall extend throughout Mysore.

(2) The Government may, by notification in the Official Gazette, appoint, either permanently or for a limited period, any person to be a Conciliator for any industry or any local area specified in the notification.

(3) The Government may, by notification in the Official Gazette, appoint, either permanently or for a limited period, any person to be a Special Conciliator for such local area or for such industry for such local area or for such industrial dispute or class of disputes as may be specified in the notification.

Board of Conciliation

7. (1) When an industrial dispute arises, the Government may, by notification in the Official Gazette, constitute a Board of Conciliation for promoting the settlement of such dispute.

(2) The Board shall consist of a Chairman and two other members who shall be independent persons.

(3) If any vacancy occurs in the office of the Chairman or a member of the Board before the Board has completed its work, the Government shall appoint another independent person to fill the vacancy, and the proceedings shall be continued before the Board as so reconstituted

from the stage at which they were when the vacancy occurred.

Explanation.—For the purposes of this section a person shall be deemed to be independent if he is unconnected with the dispute for the settlement of which the Board is constituted and the industry directly affected by the dispute.

Labour Officer and Assistant Labour Officers.

8. (1) The Government may, by notification in the Official Gazette, appoint a person to be the Labour Officer for any local area or areas.

(2) The Government may, by similar notification, appoint Assistant Labour Officers for any local area who shall exercise such of the powers and perform such of the duties of the Labour Officer as may be delegated by him, and subject to his control and supervision.

(3) The Labour Officers and Assistant Labour Officers shall be subject to the control and supervision of the Commissioner of Labour.

Industrial Court.

9. (1) The Government shall constitute an Industrial Court for determining industrial disputes and for dealing with other matters under the provisions of this Act and the rules made thereunder.

(2) The Industrial Court shall consist of three or more members, one of whom shall be a person who is or has been a Judge of the High Court of Mysore and shall be its President.

(3) Every member of the Industrial Court shall be a person who is not connected with any industry.

Powers of the Commissioner of Labour.

10. (1) For the purpose of exercising his powers and performing his duties, the Commissioner of Labour may, after giving reasonable notice, enter any place used for the purpose of any industry or as the office of any registered association and shall be entitled to call for and inspect all relevant documents which are necessary for the due discharge of his duties and powers under this Act. The Commissioner may for the same purpose enter, after giving reasonable notice, any premises provided by an employer for the purpose of residence of his employees.

(2) All particulars contained, in or information obtained from, any document inspected or called for under sub-section (1) shall, if the person in whose possession the document was, so requires, be treated as confidential.

(3) The Commissioner shall be entitled to appear in any proceeding under the Act and also to attend meetings of registered associations.

Commissioner's duties.

11. It shall be the duty of the Commissioner of Labour to help in organising association of employees in each industrial concern employing not less than 100 employees and assist the officers of registered associations in the discharge of their duties and in developing the work of such associations.

Powers of Conciliators, Special Conciliators, Boards, Courts, and Industrial Court.

12. (1) Conciliators, Special Conciliators, Boards, Courts and the Industrial Court shall, subject to the provisions of this Act, follow such procedure as may be prescribed.

(2) A Conciliator, Special Conciliator or a member of a Board, Court or the Industrial Court may, for the purpose of inquiry into an industrial dispute, after giving reasonable notice, enter the premises occupied by any industrial concern to which the dispute relates.

(3) Every Board, Court and the Industrial Court shall have the same powers as are vested in the Civil Court under the Code of Civil Procedure, 1911, when trying a suit in respect of the following matters, namely:—

(*a*) enforcing the attendance of any person and examining him on oath;

(*b*) compelling the production of documents and material objects;

(*c*) issuing commissions for the examination of witnesses;

(*d*) in respect of such other matters as may be prescribed.

(4) Every proceeding before a Board, Court or Industrial Court shall be deemed to be a judicial proceeding within the meaning of sections 192, 193 and 228 of the Indian Penal Code as in force in Mysore, and within the meaning of the Contempt of Courts Act, 1930.

(5) A Conciliator or Special Conciliator may call for and inspect any document which he has ground for considering to be relevant to the industrial dispute.

(6) With the consent of all parties to the dispute, a Court or the Industrial Court may, if it so thinks fit, appoint one or more persons as assessors to advise it in the proceedings.

(7) Every Conciliator, Special Conciliator and every member of a Board, Court or the Industrial Court shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

45

CHAPTER III.

REGISTRATION OF ASSOCIATIONS.

Mode of registration.

13. Any seven or more members of an association may, by subscribing their names to the rules of the association and by otherwise complying with the provisions of this Act with respect to registration, apply for registration of the association under this Act.

Application for registration.

14. Every application for registration of an association shall be made to the Registrar, and shall be accompanied by a copy of the rules of the association and a statement of the following particulars, namely :—

(*a*) the names, occupations and addresses of the members making the application ;

(*b*) the name of the association and the address of the head office ; and

(*c*) the titles, names, ages, addresses and occupations of the officers of the association.

Provisions to be contained in the rules of an association.

15. An association shall not be entitled to registration under this Act unless the executive thereof is constituted in accordance with the provisions of this Act, and the rules thereof provide for the following matters, namely :—

(*a*) the name of the association ;

(*b*) the whole of the objects for which the association is established ;

(*c*) the whole of the purposes for which the general funds of the association shall be applicable, all of which shall be purposes to which such funds are lawfully applicable under this Act ;

(*d*) the maintenance of a list of members of the association and adequate facilities for the inspection thereof by the officers and members of the association ;—

(*e*) the admission of ordinary members who shall be members actually engaged or employed in the industrial concern concerned and also the condition for the admission of honorary members as officers ; provided that not more than two such members shall be so admitted into any association.

Provided further that no one shall be an honorary member of more than one association at the same time.

Provided also that when it is an association of employees in an industrial concern conducted or carried on by the Government either by itself or in association with any other Government, the general body of the association may admit only two Government servants,

as honorary members even though they are not employed in that concern.

(*f*) the conditions under which any member shall be entitled to any benefit assured by the rules and under which any fine or forfeiture may be imposed on the members;

(*g*) the manner in which the rulesshall be amended, varied or rescinded;

(*h*) the manner in which the members of the executive and the other officers of the association shall be appointed and removed;

(*i*) the safe custody of the funds of the association, an annual audit, in such manner as may be prescribed, of the accounts thereof, and adequate facilities for the inspection of the account books by the officers and members of the association;

(*j*) the manner in which the association may be dissolved; and

(*k*) the procedure to be followed before the association can call a strike, including a secret ballot of the members and the minimum votes necessary.

Power to call for further particulars.

16. The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of section 14 or that the association is entitled to registration under section 15 and may refuse to register the association until such information is supplied.

Registration.

17. The Registrar, on being satisfied that the association has complied with all the requirements of the Act in regard to registration and that the association is not otherwise disqualified for registration, and on payment of the fee prescribed, shall register the association by entering in the appropriate register, the particulars relating to the association contained in the statement accompanying the application for registration, and issue a certificate of registration in the prescribed form which shall be conclusive evidence that the association has been duly registered under this Act.

Cancellation of registration.

18. A certificate of registration of an association may be withdrawn or cancelled by the Registrar,—

(*a*) if the Industrial Court directs that the registration of such association shall be cancelled; or

(*b*) if the Registrar is satisfied that—

(i) the certificate has been obtained by misrepresentation, fraud or mistake; or

47

(ii) the association has ceased to exist; or

(iii) the association has willingly and after notice from the Registrar contravened any provisions of this Act; or allowed any rule to continue in force which is inconsistent with any such provision, or has rescinded any rule providing for any matter provision for which is required by section 15:

Provided that not less than two months' previous notice in writing specifying the ground on which it is proposed to withdraw or cancel the certificate shall be given by the Registrar before the certificate is withdrawn or cancelled under this clause.

Application for re-registration.

19. (1) Any association whose certificate of registration has been withdrawn or cancelled on the ground that it was registered under a mistake may, at any time after six months from the date of such withdrawal or cancellation and on payment of such fees as may be prescribed, apply for re-registration.

(2) An association, whose certificate of registration has been withdrawn or cancelled on any other ground may apply for registration if the Government by order and for reasons to be recorded permit such re-registration.

(3) The provisions of this Act relating to the registration of an association shall apply to the applications for re-registration under this section.

Liability of members of association not relieved by withdrawal or cancellation of registration.

20. Notwithstanding anything contained in any law for the time being in force, the withdrawal or cancellation of the certificate of registration of an association shall not relieve the association or any member thereof from any penalty or liability incurred under this Act prior to such cancellation.

Appeal to Industrial Court from orders of Registrar.

21. (1) Any person aggrieved by any refusal of the Registrar to register an association or by the withdrawal or cancellation of a certificate of registration may, within thirty days from the date of such refusal, withdrawal or cancellation, appeal to the Industrial Court.

(2) The Industrial Court may admit an appeal under sub-section (1) if, on perusal of the memorandum of appeal and the decision appealed against, it finds that the decision is contrary to law or otherwise erroneous.

(3) The Industrial Court may in appeal confirm, modify or rescind any order passed by the Registrar and may pass such consequential orders as it may deem fit. A copy of the orders passed by the Industrial Court shall

be sent to the Registrar and he shall comply with such orders.

Registered office.

22. All communications and notices to a registered association may be addressed to its registered office. Notice of any change in the address of the head office shall be given within fourteen days of such change to the Registrar in writing, and the changed address shall be recorded in the register referred to in section 17.

Incorporation of registered association.

23. Every registered association shall be a body corporate by the name under which it is registered, and shall have perpetual succession and a common seal with power to acquire and hold both movable and immovable property and to contract, and shall by the said name sue and be sued.

Certain Acts not to apply to registered associations.

24. The following Acts, namely,—

(*a*) The Societies Registration Act, 1904;

(*b*) The Mysore Co-operative Societies Act, 1948;

(*c*) The Mysore Companies Act, 1938; and

(*d*) The Insurance Act, 1939;

shall not apply to any registered association, and the registration of any such association, under any such Act, shall be void.

CHAPTER IV.

RIGHTS AND LIABILITIES OF REGISTERED ASSOCIATIONS.

Objects on which general funds may be spent.

25. The general funds of a registered association shall not be spent on any objects other than the following, namely,—

(*a*) the payment of salaries, allowances and expenses to officers of the association;

(*b*) the payment of expenses for the administration of the association, including audit of the accounts of the general funds of the association;

(*c*) the prosecution or defence of any legal proceeding to which the association or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the association as such or any rights arising out of the relations of any member with his employer;

(*d*) the conduct of labour disputes on behalf of the association or any member thereof;

(*e*) the compensation of members for loss arising out of labour disputes;

(*f*) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members;

(*g*) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident, old age or unemployment;

(*h*) the provision of educational or social benefits for members (including the payment of expenses of funeral or religious ceremonies for deceased members); or

(*i*) the upkeep of a periodical published by a registered association mainly for the purpose of discussing questions affecting employers and employees;

(*j*) the payment of expenses in connection with the election of representatives of labour provided by statute for the Houses of Legislature and local bodies in Mysore not exceeding a sum of rupees one hundred in each case; and

(*k*) subject to any conditions contained in the notification, any other object notified by the Government in the Official Gazette.

Immunity from civil suit in certain cases.

26. (1) No suit or other legal proceeding shall be maintainable in any civil court against any registered association or any officer or member thereof in respect of any act done in contemplation, or furtherance, of an industrial dispute to which a member of the association is a party, on the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the industry, business or employment of some other person to dispose of his capital or his labour as he wills.

(2) A registered association shall not be liable in any suit or other legal proceeding in any civil court in respect of any tortious act done in contemplation, or furtherance, of an industrial dispute by an agent of the association, if it is proved that such person acted without the knowledge of, or contrary to, express instructions given by the executive of the association.

Enforceability of agreements.

27. Notwithstanding anything contained in any other law for the time being in force, an agreement between the members of a registered association shall not be void or voidable merely by reason of the fact that any of the objects of the agreement are in restraint of trade:

Provided that nothing in this section shall enable any civil court to entertain any legal proceeding instituted for the express purpose of enforcing or recovering damages for the breach of any agreement concerning the conditions

on which any member of an association shall or shall not work, or be employed.

Right to inspect book of association.

28. The account books of a registered association and the list of members thereof shall be open to inspection by an officer or member of the association at such times as may be provided for in the rules of the association.

Right of minors to membership of associations.

29. Any person who has attained the age of fifteen years may be a member of a registered association subject to any rules of the association to the contrary, and may, subject as aforesaid, enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given under the rules:

Provided that no person who has not attained the age of eighteen years shall be a member of the executive of any such association.

Change of name.

30. Any registered association may, with the consent of not less than two-thirds of the total number of its members and subject to the provisions of section 32, change its name.

Federation of associations.

31. Any two or more registered associations may federate in the manner prescribed in this behalf.

Notice of change of name.

32. (1) Notice in writing of every change of name signed by the Secretary and by seven members of the association changing its name shall be sent to the Registrar.

(2) The Registrar shall, if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the register referred to in section 17 and the change of name shall have effect from the date of such registration.

(3) The Registrar shall, if he is satisfied that the provisions of this Act and the rules made thereunder in respect of federation, have been complied with and that the federation formed thereby is entitled to registration under section 16, register the federation in the manner provided in section 17, and the federation shall have effect from the date of such registration.

Effect of change of name.

33. (1) The change in the name of a registered association shall not affect any rights or obligations of the association or render defective any legal proceeding by or against the association, and any legal proceeding which might have been continued or commenced by, or against it by its former name, may be continued or commenced by, or against it, by its new name.

(2) A federation of two or more associations shall not prejudice any right of any such associations or any right of a creditor of any of them.

Dissolution

34. (1) When a registered association is dissolved, notice of the dissolution signed by seven members and by the Secretary of the association shall, within fourteen days of the dissolution, be sent to the Registrar, and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the association, and the dissolution shall have effect from the date of registration.

(2) Where the dissolution of a registered association has been registered and the rules of the association do not provide for the distribution of funds of the association on dissolution, the Registrar shall divide the funds amongst the members in such manner as may be prescribed.

(3) Where the certificate of registration of an association is withdrawn or cancelled under section 18, the funds, if any, of such association shall be distributed by the Registrar amongst such persons and in such manner as may be prescribed.

Returns.

35. (1) There shall be sent annually to the Registrar, on or before such date as may be prescribed, a general statement, audited in the prescribed manner, of all receipts and expenditure of every registered association during the year ending on the 30th day of June next preceding such prescribed date, and of the assets and liabilities of the association existing on the 30th day of June. The statement shall be prepared in such form and shall comprise such particulars as may be prescribed.

(2) Together with the general statement there shall be sent to the Registrar a statement showing all changes of officers made by the registered association during the year to which the general statement refers, together with a copy of the rules of such association corrected up to the date of despatch thereof to the Registrar.

(3) A copy of every alteration made in the rules of a registered association shall be sent to the Registrar within fifteen days of the making of the alteration.

(4) Every registered association shall also send to the Registrar such other statements and returns in such form and containing such particulars at such times as may be prescribed.

Liability of the executive of an association.

36. Where anything is required to be done by any association by or under any provision of this Act, the person authorised in this behalf by the executive of the association, or if no person is so authorised, every member of the executive of the association shall be bound to do the same and shall be personally liable if default is made in the doing of any such thing.

Explanation.—For the purposes of this section executive of an association means any body by whatever name called to which the management of the affairs of the association is entrusted.

Representation in proceedings.

37. (1) No association of employees eother than those registered under this Act shall be rcognised or permitted to be represented in any proceeding under this Act.

(2) No party to an industrial dispute shall be entitled to be represented by a legal practitioner except in proceedings before a Court of Enquiry or the Industrial Court.

CHAPTER V.

Powers and Duties of Labour Officer.

Powers and duties of Labour Officer.

38. (1) A Labour Officer shall exercise the powers conferred and perform the duties imposed on him by or under this Act.

(2) For the purpose of exercising such powers and performing such duties a Labour Officer may, at any reasonable time, enter and inspect—

(*a*) any place used for the purpose of any industrial concern;

(*b*) any place used as the office of any registered association;

(*c*) any premises provided by an employer for the residence of his employees;

and shall be entitled to call for and inspect all relevant documents which he may deem necessary for the due discharge of his duties and powers under this Act.

(3) All particulars contained in, or information obtained from, any document inspected or called for under sub-section (2) shall, if the person in whose possession the document was, so requires, be treated as confidential.

(4) A Labour Officer may, after giving reasonable notice, convene a meeting of employees for any of the

imposes of this Act, on the premises where they are employed, and may require the employer to affix a written notice of the meeting at such conspicuous place in such premises as he may order and may also affix such notice himself. The notice shall specify the date, time and place of the meeting, the employees affected, and the purpose for which the meeting is convened :

Provided that during the continuance of a lock-out which is not illegal, no meeting of employees affected thereby shall be convened on such premises without the employer's consent.

(5) A Labour Officer shall be entitled to appear in any proceeding under this act.

(6) It shall be the duty of the Labour Officer to—

(*a*) watch the interests of employees and promote harmonious relations between employers and employees ;

(*b*) investigate the grievances of employees and represent to employers such grievances and make recommendations to them for their redress ;

(*c*) report to the Government the existence of any industrial dispute of which no notice of change has been given together with the names of the parties thereto.

CHAPTER VI.

STANDING ORDERS.

Settlement of standing orders by the Commissioner of Labour.

39. (1) Within three months from the date of the commencement of this Act the employer of every industrial concern then existing, and the employer of every industrial concern started after the date of the coming into operation of this Act, within two months after the commencement of such concern, shall submit to the Commissioner of Labour a statement of standing orders regulating the relations between him and his employees in respect of matters specified in Schedule I and simultaneously furnish a copy of the same in English and Kannada to the registered association of his employees.

(2) The association shall submit to the Commissioner of Labour within fifteen days of such receipt any points objected to by them as inconsistent with existing

practice. The Commissioner of Labour shall thereupon hold a summary enquiry on such points, settle the standing orders as found by him and furnish both to the employer and to the association a copy of the standing orders as settled by him.

(3) The Commissioner of Labour shall forward a copy of the standing orders so settled to the Registrar, who shall, within fifteen days of their receipt, record them in the register kept for the purpose.

(4) Standing orders so settled shall come into operation from the date of their record in the register under sub-section (3).

Appeal to the Industrial Court.

40. (1) An appeal shall lie to the Industrial Court from the order of settlement of the standing orders by the Commissioner of Labour under section 39, provided that such appeal is preferred within fifteen days from the date of the settlement exclusive of the time required for obtaining a copy thereof:

Provided that the Industrial Court may, for sufficient cause, admit any appeal after the expiry of the period of fifteen days.

(2) On an appeal being filed, the Industrial Court may, on the application of any party to such appeal and on such conditions as it may think fit, stay the operation of all or any of such standing orders until the appeal is decided.

(3) The Industrial Court in appeal may confirm, modify, add to or rescind all or any of such standing orders.

(4) The Industrial Court shall fix the date on which all or any of the standing orders settled by it under sub-section (3) shall come into operation.

(5) A copy of the orders passed by the Industrial Court under sub-section (3) shall be sent to the Registrar who shall record them in the register referred to in sub-section (3) of section 39.

No alteration in standing orders for six months.

41. (1) No alteration shall be made for a period of six months from the date of its coming into operation of any standing order settled under the foregoing provisions of this Chapter except by the Industrial Court on review where such review lies.

Review.

42. (1) Any person aggrieved by a decision of the Industrial Court under section 40 may, within thirty days from the date of the decision, apply to the Industrial Court for a review of the said decision.

55

(2) The Industrial Court shall not grant such application unless it is satisfied that there has been a discovery of a new and important matter or evidence, which after the exercise of due diligence was not within the knowledge of the party making the application or could not be produced by him at the time when its decision was made, or that there has been some mistake or error apparent on the face of the record or that there is any other sufficient reason for granting such application.

(3) The provisions of sub-sections (2), (3), (4) and (5) of section 40 shall, so far as may be, apply to proceedings under sub-section (1) in the same manner as they apply to an appeal against standing orders settled by the Commissioner of Labour under section 39.

Standing orders to be determinative.

43. Standing orders in respect of an employer and his employees, settled under this Chapter and in operation, shall be determinative of the relations between the employer and his employees in regard to all industrial matters included therein.

CHAPTER VII.

CHANGES.

Employers or association desiring change in standing orders and other industrial matters to give notice.

44. (1) An employer intending to effect any change in any standing order settled by the Commissioner of Labour under section 39 or by the Industrial Court on appeal or review under sections 40 and 42, as the case may be, or in respect of an industrial matter mentioned in Schedule II shall give notice of such intention in the prescribed form to the registered association. He shall send a copy of such notice to the Commissioner of Labour, the Chief Conciliator, the Conciliator, the Registrar, and to such other persons as may be prescribed. He shall also affix a copy of such notice at a conspicuous place in the premises where the employees affected by the change are employed for work and at such other place as may be directed by the Chief Conciliator in any case.

(2) A registered association desiring a change in any such standing order or in respect of any other industrial matter shall give notice, in the form prescribed, to the employer and shall also forward a copy of the notice to the Commissioner of Labour, the Chief Conciliator, the Conciliator, the Registrar, and to such other persons as may be prescribed :

8

Provided that such association shall not be entitled to give a notice of change in respect of an employee who is discharged or dismissed or otherwise dealt with under standing orders.

(3) When no settlement is arrived at in any conciliation proceeding in regard to any industrial dispute which has arisen in consequence of a notice, relating to any change given under sub-sections (1) or (2), no fresh notice with regard to the same change or a change similar in all material particulars shall be given before the expiry of two months from the date of the completion of the proceeding within the meaning of section 59. If, at any time after the expiry of the said period of two months, any employer or registered association desires the same change or a change similar in all material particulars, he or it shall give fresh notice in the manner provided in sub-sections (1) or (2), as the case may be.

(4) The employer and the registered association shall maintain records of all negotiations with each other and shall produce such records, when called upon to do so during any subsequent proceedings under the Act.

Agreement regarding change.

45. (1) If within seven days from the date of service of a notice under section 44 or within such further period as may be mutually fixed by the employer and registered association, an agreement is arrived at in regard to the proposed change, a memorandum of such agreement signed by the employer as well as the association shall be forwarded in the prescribed manner to the Chief Conciliator, the Registrar and the Labour Officer.

(2) On receipt of such memorandum of agreement the Registrar shall enter the same in a register maintained for the purpose unless on inquiry he is satisfied that the agreement was in contravention of any of the provisions of this Act or was the result of mistake, misrepresentation, fraud, undue influence, coercion or threat.

(3) An appeal shall lie to the Industrial Court against an order of the Registrar refusing to register an agreement under sub-section (2). The provisions of section 21 shall apply to such appeal.

Agreement to come into force.

46. An agreement registered under section 45 shall come into operation on the date specified therein or if no date is so specified on its being recorded by the Registrar.

Illegal change.

47. (1) No employer shall make any change in any standing order settled under Chapter VI, or in any

industrial matter mentioned in Schedule II, before the agreement referred to in section 45 is arrived at and registered, or where no such agreement is arrived at before the conciliation proceedings are completed or in cases in which the dispute has been referred to arbitration or the Industrial Court, before the date on which the award comes into operation.

(2) No employer shall make any such change in contravention of the terms of a settlement, award or registered agreement.

(3) Any change made in contravention of the provisions of sub-section (1), (2) or (3) shall be illegal.

(4) Failure to carry out the terms of any settlement, award or registered agreement shall be deemed to be an illegal change.

CHAPTER VIII.

Works Committees.

Works Committees.

48. (1) In the case of any industrial concern in which one hundred or more employees are employed or have been employed on any day in the preceding twelve months, the Government may, 'by general or special order' require the employer to constitute in the prescribed manner a Works Committee consisting of representatives of employers and employees engaged in the concern so however that the number of representatives of employees on the Committee shall not be less than the number of representatives of the employer. The representatives of the employees shall be chosen in the prescribed manner from among the employees engaged in the concern and in consultation with their association, if any, registered under this Act.

(2) It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and employees and, to that end to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters.

58

CHAPTER IX

Conciliation Proceedings.

Report of disputes to be sent to the Commissioner of Labour Registrar, Chief Conciliator and Conciliator.

49. If any proposed change in respect of which notice is given under section 44 is objected to by the employer or the association, as the case may be, the party who gave such notice, shall, if he still desires that the change should be effected, forward to the Commissioner of Labour, Registrar, the Chief Conciliator and the Conciliator for the local area for the industry concerned a full statement of the case in the prescribed form within fifteen days from the date of service of such notice on the other party or within one week of the expiry of the period fixed by both the parties under sub-section (1) of section 45 for arriving at an agreement.

Explanation.—For the purposes of this sub-section a change shall be deemed to be objected to by the employer or the association, as the case may be, if within seven days from the date of service of such notice, or within the period fixed by both the parties under sub-section (1) of section 45 for arriving at an agreement a memorandum of agreement has not been forwarded to the Registrar under the said sub-section.

Report of dispute between employees and employees.

50. A registered association for an industry in a local area desiring conciliation in respect of any dispute between employees and employees in such industry shall submit a full statement of the case in the prescribed form to the Commissioner of Labour, Chief Conciliator and the Conciliator for the local area.

Commencement of conciliation proceeding.

51. On receipt of the statement of the case under sections 49 or 50 the Conciliator shall, except in a case in which by reason of the provisions of section 60 a conciliation proceeding cannot be commenced, forthwith enter the industrial dispute in the register kept for the purpose and thereupon the conciliation proceeding shall be deemed to have commenced from the date of such receipt.

Conciliation proceeding.

52. (1) The Conciliator shall hold the conciliation proceeding in the prescribed manner.

(2) It shall be the duty of the Conciliator to endeavour to bring about the settlement of the industrial

dispute and for this purpose the Conciliator shall enquire into the dispute and all matters affecting the merits thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute and may adjourn the conciliation proceeding for any period sufficient in his opinion to allow the parties to arrive at a settlement or for any other reason.

Power of Chief Conciliator to intervene.

53. (1) It shall be lawful for the Chief Conciliator to intervene or to direct any Conciliator to intervene at any stage in any conciliation proceeding held by another Conciliator, and thereafter the Chief Conciliator or the Conciliator so directed shall hold the conciliation proceeding with or without the assistance of the Conciliator.

(2) The Chief Conciliator may from time to time issue such directions as he deems fit to any Conciliator at any stage of a conciliation proceeding.

Settlement and report.

54. (1) If a settlement of an industrial dispute is arrived at in a conciliation proceeding, a memorandum of such settlement shall be drawn up in the prescribed form by the Conciliator and signed by the employer and the association. The Conciliator shall send a report of the proceeding along with a copy of the memorandum of settlement to the Commissioner of Labours, Registrar and the Chief Conciliator. The Registrar shall record such settlement in the register of agreements and shall then publish it in the prescribed manner. The change, if any, agreed to by such settlement shall come into operation from the date agreed upon in such settlement and where no such date is agreed upon from the date on which it is recorded in the register.

(2) If no such settlement is arrived at, the Conciliator shall, as soon as possible after the close of the proceeding before him, send a full report to the Chief Conciliator stating the steps taken by him for ascertaining the facts and circumstances relating to the dispute and the reasons on account of which, in his opinion, a settlement could not be arrived at:

Provided that where such Conciliator is the Chief Conciliator such report shall be forwarded by him to the Government.

(3) The Chief Conciliator shall forward the report submitted to him under sub-section (2) to the Government with such remarks as he deems fit.

(4) The Government shall publish the report of the Conciliator or Chief Conciliator forwarded to it under the proviso to sub-section (2) or under sub-section (3) except in cases in which the dispute is referred to a Board, or the parties to the dispute enter into a submission in respect of it.

(5) Before the close of the proceeding before him the Conciliator shall ascertain from the parties whether they are willing to submit the dispute to arbitration.

(6) (*a*) Notwithstanding anything contained in the foregoing sub-sections, if at any stage of a conciliation proceeding the parties agree in writing to submit the dispute to arbitration the agreement shall be deemed to be a submission within the meaning of section 62.

(*b*) Where the agreement provides for arbitration by the Industrial Court, the Conciliator shall forthwith refer the dispute to the Industrial Court.

Reference to Board.

55. (1) The Government may, at any time, and where either prior to the commencement of a proceeding before the Conciliator or after his failure to bring about a settlement, the parties agree, shall refer the dispute to a Board and thereupon conciliation proceedings before the Board shall be deemed to have commenced from the date of such reference.

(2) On such reference being made, the Board shall give notice in the prescribed manner to the parties to the dispute to appear before it at such time and place as may be specified in the notice. A copy of such notice shall be sent to the Labour Officer.

(3) On the date specified in the notice or on such other date as may be fixed by the Board, the Board shall hold the conciliation proceeding. It shall be the duty of the Board to endeavour to bring about a settlement of the industrial dispute and the provisions of section 51 and section 52 shall, so far as may be, apply to the proceeding before the Board.

Procedure of Conciliator and Board.

56. A Conciliator or a Board, as the case may be, shall, subject to the provisions of this Act, follow in a conciliation proceeding such procedure as may be prescribed.

57. A Conciliator or a Board may refer any question of law arising before him or it in any conciliation proceeding to the Industrial Court for decision. An order passed by the Conciliator or the Board in such proceeding shall be in accordance with such decision. Reference Industrial Court by Conciliat or Board.

58. (1) The Government shall, by general or special order, fix a time limit for the completion of each stage of the conciliation proceeding provided for under this Chapter : Time limit for stages of conciliation proceeding.

Provided that the total period fixed for the completion of all stages of a conciliation proceeding shall not exceed one month from the date on which the dispute is entered by the Conciliator in the register under section 51 or is referred to a Board under section 55 :

Provided further that the Government may extend the said period of one month by a further period of a fortnight at a time but not exceeding in any case two months in the aggregate.

(2) Notwithstanding anything contained in sub-section (1), the parties to any industrial dispute may in any case agree to extend the period fixed for the completion of any stage of a conciliation proceeding by any further period and such further period shall be excluded in computing the period of time limit referred to in the said sub-section.

59. A conciliation proceeding shall be deemed to have been completed— Completion of conciliation proceeding.

(i) when a memorandum of the settlement arrived at in such proceeding is signed by the parties under sub-section (1) of section 54, or

(ii) when the parties agree in writing to submit the dispute to arbitration, or

(iii) if no settlement is arrived at, when the report of the Conciliator or the Board is published by the Government, or

(iv) when the time limit fixed for the completion of such proceeding under section 58 has expired.

60. No conciliation proceeding in respect of an industrial dispute shall— Conciliation proceeding not to be commenced or continued in certain cases.

(*a*) be commenced if—

(*i*) the registered association is a party to a submission relating to such dispute or a dispute relating to an industrial matter similar to that regarding which the dispute has arisen ;

(ii) it has been referred for adjudication under the provisions of section 67 or 68;

(b) be continued after the date on which—

(i) a submission relating to such dispute is entered into by the employer and employees concerned under section 55 or 62,

(ii) it is referred for adjudication under section 67 or 68.

Conciliation proceeding discontinued deemed to be completed.

61. A conciliation proceeding which is discontinued under clause (b) of section 60 shall be deemed to have been completed on the date referred to in the said clause, and the provisions of section 54 with regard to the submission, forwarding and publication of reports shall apply to such conciliation proceeding.

CHAPTER X

ARBITRATION.

Submission.

62. (1) Any employer and any registered association may, by a written agreement, agree to submit any present or future industrial dispute or class of such disputes to the arbitration of any person whether such arbitrator is named in such agreement or not. Such agreement shall be called a submission.

(2) Such submission may provide that the dispute shall be referred to the arbitration of the Industrial Court.

(3) A copy of every such submission shall be sent to the Registrar who shall register it in the register to be maintained for the purpose and shall publish it in such manner as may be prescribed.

Submission when revocable.

63. Every submission shall, in the absence of any provision to the contrary contained therein, be irrevocable:

Provided that a submission to refer future disputes to arbitration may, at any time, be revoked by any of the parties to such submission by giving the other party six months' notice in writing;

Provided further that before the expiry of the said period of six months the parties may agree to continue

the submission for such further period as may be agreed upon between them.

Proceedings in arbitration.

64. The proceedings in arbitration under this Chapter shall be in accordance with the provisions of the Mysore Arbitration Act, 1917, in so far as they are applicable, and the powers which are exercisable by a civil court under the said provisions shall be exercisable by the Industrial Court.

Special case to be stated to Industrial Court.

65. The arbitrator may refer any question of law arising before him in any proceeding under this Act to the Industrial Court for its decision. Any award made by the arbitrator shall be in accordance with such decision.

Award by arbitrator

66. The arbitrator shall, after hearing the parties concerned, make an award which shall be signed by him.

Dispute to be referred to Industrial Court if no arbitrator appointed.

67. Notwithstanding anything contained in this Chapter, if no provision has been made in any submission for the appointment of an arbitrator or where by reason of any circumstance no arbitrator is appointed, such dispute shall be referred to the arbitration of the Industrial Court by the Government.

Government may refer industrial dispute to Industrial Court for arbitration.

68. Notwithstanding anything hereinbefore contained the Government may, at any time, refer an industrial dispute to the arbitration of the Industrial Court, if, on a report made by the Commissioner of Labour or otherwise, it is satisfied that—

(1) by reason of the continuance of the dispute:—

(*a*) a serious outbreak of disorder or a breach of the public peace is likely to occur; or

(*b*) serious or prolonged hardship to a large section of the community is likely to be caused; or

(*c*) the industrial concern concerned is likely to be seriously affected or the prospects and scope for employment therein curtailed; or

(2) the dispute is not likely to be settled by other means; or

(3) it is necessary in the public interest to do so.

Publication of award.

69. (1) The arbitrator or Industrial Court, as the case may be, shall forward copies of the award made by him or it to the parties, the Commissioner of Labour, the Registrar and the Government.

(2) On receipt of such award, the Government shall, by order in writing, declare the award to be binding and shall publish it in such manner as may be prescribed.

Provided that where the Government isa party to the dispute and in its opinion it would be in expedient on public grounds to give effect to the whole or any part of the award, it may, by order in writing, reject the award or declare the award with such modifications as it thinks fit to be binding.

Date on which award shall come into operation

70. The award shall come into operation on the date specified in the award or where no such date is specified therein on the date on which it is declared by the Government to be binding.

Provided that where the Government is a party to the dispute, the award or award as modified under the proviso to sub-section (2) of section 69 shall come into operation on such date as may be specified by the Government.

Completion of arbitration proceeding.

71. The arbitration proceeding shall be deemed to have been completed when the award is published under sub-section (2) of section 69.

CHAPTER XI.

INDUSTRIAL COURT.

Duties of Industrial Court.

72. It shall be the duty of the Industrial Court—

(i) to decide appeals under section 21 from orders passed by the Registrar;

(ii) to decide appeals from the decision of the Commissioner of Labour under section 40 and review applications under section 42 regarding standing orders;

(iii) to decide all matters which may be referred to it by a Conciliator or a Board under section 57 or by an arbitrator under section 65;

(iv) to decide industrial disputes referred to it in accordance with submissions registered under section 62 which provide for such reference to the Industrial Court;

(v) to decide industrial disputes referred to it under section 67 or section 68;

(vi) to decide matters referred to it under section 74;

(vii) to decide questions relating to the interpretation of this Act or rules made thereunder and standing orders referred to it under section 75;

(viii) to decide reference made to it under section 84;

(ix) to decide such other matters as may be referred to it under this Act or the rules made thereunder.

Cancellation of registration of association.

73. If in any proceeding the Industrial Court finds that any association was registered by reason of a mistake, misrepresentation or fraud, or that a registered association has contravened any of the provisions of this Act, the Industrial Court may direct that the registration of such association shall be cancelled.

65

Reference on point of law.

74. (1) A civil or criminal court may refer any matter or any issue in any suit, criminal prosecution or other legal proceeding before it relating to an industrial dispute to the Industrial Court for its decision. Any order passed by such court in such suit, prosecution or legal proceeding shall be in accordance with such decision.

(2) The Government may refer to the Industrial Court any point of law arising in any proceedings held under this Act. The Industrial Court shall not decide any such reference save in open Court and with the concurrence of a majority of the members present at the hearing of the reference.

Reference regarding interpretation of Act and rules.

75. The Commissioner of Labour may refer any question relating to the interpretation of this Act or the the rules made under this Act or any standing order to the Industrial Court for its decision.

Procedure before Industrial Court.

76. (1) The Industrial Court shall make regulations consistent with the provisions of this Act and the rules made thereunder regulating its procedure.

(2) Every regulation made under sub-section (1) shall be published in the Official Gazette.

(3) The Industrial Court shall have power to direct by whom the whole or any part of the costs of any proceeding before it shall be paid:

Provided that no such costs shall be directed to be paid for the services of any legal adviser engaged by any party.

Execution of order as to costs.

77. An order made by the Industrial Court regarding the costs of a proceeding may be produced before the Court of the District Judge within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, and such Court shall execute such order in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

Parties on whom order of Industrial Court binding.

78. An order, decision or award of the Industrial Court shall, save as otherwise provided by any provision of this Act, be binding on –

(*a*) all parties to the industrial dispute who appeared or were represented before it;

(*b*) all parties who were summoned to appear as parties to the dispute whether they appeared or not, unless

the Industrial Court is of opinion that they were improperly made parties;

(*c*) in the case of an employer who is a party to the proceeding before such Court in respect of the industrial concern to which the dispute relates, his successors, heirs or assigns in respect of the concern to which the dispute relates; and

(*d*) in the case of a registered association which is a party to the proceeding before such Court, all persons represented by the association to the date of the award, as well as thereafter.

Order of industrial Court not liable to appeal or review.

79. No order, decision or award of the Industrial Court shall be called in question in any civil or criminal court.

Officer to appear in proceeding before Industrial Court.

80. The Government may direct any officer to appear in any proceeding before the Industrial Court by giving notice to such Court and on such notice being given such officer shall be entitled to appear in such proceeding.

CHAPTER XII.

STRIKES AND LOCK-OUTS.

Prohibition of strikes and lock-outs in public utility services.

81. (1) No person employed in a public utility service shall go on strike in breach of contract—

(*a*) without giving to the employer notice of strike, as hereinafter provided, within six weeks before striking; or

(*b*) within fourteen days of giving such notice; or

(*c*) before the expiry of the date of strike specified in any such notice as aforesaid; or

(*d*) during the pendency of any conciliation proceedings before a conciliator or a board and seven days after the conclusion of such proceedings.

(2) No employer carrying on any public utility service shall lock-out any of his employees—

(*a*) without giving them notice of lock-out as hereinafter provided, within six weeks before locking out; or

(*b*) within fourteen days of giving such notice; or

(*c*) before the expiry of the date of lock-out specified in any such notice as aforesaid; or

67

(*d*) during the pendency of any conciliation proceedings before a Conciliator or a Board and seven days after the conclusion of such proceedings.

(3) The notice of lock-out or strike under this section shall not be necessary where there is already in existence a strike or, as the case may be, a lock-out in the public utility service, but the employer shall send intimation of such lock-out or strike on the day on which it is declared, to such authority as may be specified by the Government either generally or for a particular area or for a particular class of public utility services.

(4) The notice of strike referred to in sub-section (1) shall be given by such number of persons to such person or persons and in such manner as may be prescribed.

(5) The notice of lock-out referred to in sub-section (2) shall be given in such manner as may be prescribed.

(6) If on any day an employer receives from any persons employed by him any such notices as are referred to in sub-section (1) or gives to any persons employed by him any such notices as are referred to in sub-section (2), he shall within five days thereof report to the Government or to such authority as the Government may prescribe the number of such notices received or given on that day.

Illegal strikes.

82. (1) A strike shall be illegal—

(i) If it is not in connection with or in consequence of an industrial dispute;

(ii) if it is commenced or declared in contravention of section 81;

(iii) in any event if it is commenced or continued—

(*a*) without giving notice in accordance with the provisions of section 44;

(*b*) only for the reason that the employer has not carried out the provisions of any standing order or has made an illegal change;

(*c*) in case where notice of the change is given in accordance with the provisions of section 44 and where no agreement in regard to such change is arrived at, before the statement of the case referred to in section 49 is received by the Conciliator for the industry concerned for the local area;

(*d*) in case where conciliation proceedings in regard to the industrial dispute to which the strike

relates have commenced, before the completion of such proceedings;

(*e*) in case where a submission relating to such dispute or such type of disputes is registered under section 62, before such submission is lawfully revoked;

(*f*) in case where an industrial dispute has been referred to the Industrial Court, before the date on which the award of the Industrial Court comes into operation,

(*g*) in contravention of the terms of a registered agreement, or a settlement or award.

(2) In case where a conciliation proceeding in regard to any industrial dispute has been completed, a strike relating to such dispute shall be illegal if it is commenced at any time after the expiry of two months after the completion of such proceeding.

(3) Notwithstanding anything contained in sub-sections (1) and (2), if fourteen clear days' notice of a strike not falling under clause (*d*), (*e*) or (*f*) of sub-section (1) was given to the employer and the strike was not commenced before the expiry of the period of notice, striking employees who resume work within forty-eight hours of the Industrial Court declaring such strike to be illegal shall incur no penalty in this Act in respect of such strike:

Provided that nothing in sub-section (3) shall apply to any strike which has within the period of notice been declared under section 84 to be illegal.

Illegal lock-outs.

83. (1) A lock-out shall be illegal—

(i) If it is not in connection with or in consequence of an industrial dispute; and

(ii) if it is commenced or declared in contravention of section 81;

(iii) in any event if it is commenced or continued—

(*a*) in case where it relates to any industrial matter regulated by any standing order for the time being in force;

(*b*) without giving notice in accordance with the provisions of section 44;

(*c*) in case where notice of the change is given in accordance with the provisions of section 44 and where no agreement in regard to such

69

change is arrived at, before the statement of the case referred to in section 49 is received by the Conciliator for the industry concerned for the local area;

(*d*) in case where conciliation proceedings in respect of an industrial dispute to which a lock-out relates have commenced, before the completion of such proceedings;

(*e*) in case where a submission relating to such dispute or such type of disputes is registered under section 62 before such submission is lawfully revoked;

(*f*) in case where an industrial dispute has been referred to the Industrial Court before the date on which the award of the Industrial Court comes into operation;

(*g*) in contravention of the terms of a registered agreement, or a settlement or award.

(2) In case where a conciliation proceeding in regard to any industrial dispute has been completed, a lock-out relating to such dispute shall be illegal if it is commenced at any time after the expiry of two months from the completion of such proceeding.

(3) Notwithstanding anything contained in sub-sections (1) and (2), if fourteen clear days' notice of a lock-out not falling under clause (*d*), (*e*) or (*g*), of sub-section (1) was given to the employees, and the lock-out was not commenced before the expiry of the period of notice and the employer discontinues the lock-out within forty-eight hours of the Industrial Court declaring such lock-out to be illegal, the employer shall incur no penalty under this Act in respect of such lock-out:

Provided that nothing in this sub-section shall apply to any lock-out which has within the period of notice been declared under section 84 to be illegal.

Reference to Industrial Court for declaration whether strike or lock-out is illegal.

84. (1) The Government may make a reference to the Industrial Court for a declaration whether any proposed strike or lock-out of which a notice has been given would or would not be legal.

(2) No declaration shall be made under this section save in open Court with the concurrence of a majority of the members present at the hearing of the case.

CHAPTER XIII

COURTS OF ENQUIRY.

Constitution, duties and powers of court of enquiry.

85. (1) The Government may, as occasion arises, by notification in the Official Gazette, constitute one or more Courts of Enquiry consisting of such number of persons as the Government may think fit.

(2) A Court of Enquiry shall enquire into such matters pertaining to the conditions of labour or the relations of employers and employees in any industry, and such other matters as may be referred to it by the Government.

(3) Notwithstanding anything contained in subsection (1), the Government may refer any aspect of any industrial dispute to a Court of Enquiry for findings.

CHAPTER XIV.

CONTROL OVER INDUSTRIES.

Power to control an industry.

86. If in the opinion of the Government, it is necessary or expedient so to do for securing the public safety or convenience, or the maintenance of public order or supplies essential to the life of the community, or for maintaining employment, it may, by general or special order,—

(*a*) require any employer not to close or keep closed, but to work or to continue to work any industrial concern on such conditions as may be specified in the order;

(*b*) authorise any person (hereinafter called the Authorised Controller) to exercise, with respect to any industrial concern or part thereof, such functions of control as may be specified in the order; and on the making of such order the concern or part thereof, as the case may be, shall be carried on in accordance with any directions given by the Authorised Controller in accordance with the provisions of the order; and every person having any functions of management of such concern or part thereof shall comply with such directions.

Power to deduct expenses control.

87. Where an order is made under clause (*b*) of section 86—

(*a*) the pay and allowances, if any, of the Authorised Controller and of his establishment and such amount

as may be certified by him as having been incurred in the exercise of his functions or the discharge of his duties shall, notwithstanding anything contained in any other law for the time being in force, be a first charge on the assets of the industrial concern.

(*b*) The profits, if any, arising from the working of the concern shall, after deducting such pay and allowances, if any, of the Authorised Controller and of his establishment and such amount as may be certified by him to have been incurred by him in the exercise of his functions or in the discharge of his duties, be paid to such person and in such manner and subject to such conditions as the Government may direct.

Penalty.

88. Any person contravening any order made under this chapter or any direction given by the Authorised Controller under clause (*b*) of section 86 shall be punishable with imprisonment which may extend to three years, or with fine which may extend to ten thousand rupees, or with both.

Offence to be deemed cognisable.

89. Notwithstanding anything contained in the second schedule to the Code of Criminal Procedure, 1904, any police officer may arrest without a warrant any person who is reasonably suspected of having committed, or of committing or of being about to commit, a contravention of any order made under this Chapter or any direction given by the Authorised Controller under clause (*b*) of section 86.

Offence by a corporation.

90. If the person contravening an order made under this Chapter or any direction given by the Authorised Controller under clause (*b*) of section 86 is a company or other body corporate, every director, manager, secretary, or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Order or direction not to be called in question.

91. No order made under this Chapter or any direction given by the Authorised Controller be called in question in any proceedings in any civil or criminal court

Revocation of order.

92. Any order made under this Chapter may, at any time, be varied, revoked or rescinded by the Government.

CHAPTER XV.

PENALTIES.

Employer not to dismiss, reduce or punish an employee.

93. (1) No employer shall, except as provided in the standing orders, dismiss, discharge or reduce any employee or punish him in any other manner by reason of the circumstance that the employee—

(*a*) is an officer or member of a registered association or an association which has applied for being registered under this Act, or

(*b*) is entitled to the benefit of a registered agreement or a settlement, submission or award; or

(*c*) has appeared or intends to appear as a witness in, or has given any evidence or intends to give evidence in, a proceeding under this Act; or

(*d*) has gone on or joined a strike which has not been held by the Industrial Court to be illegal under the provisions of this Act.

(2) No employer shall prevent any employee from returning to work after a strike which has not been held by the Industrial Court to be illegal.

(3) Whoever contravenes the provisions of sub-section (1) or (2) shall, on conviction, be punishable with fine which may extend to one thousand rupees.

(4) The Court trying an offence under this section may direct that out of the fine recovered, such amount as it deems fit, shall be paid to the employee concerned as compensation.

(5) Where the offence is one of wrongful dismissal, the Court shall direct that the employer shall pay the dismissed employee wages for the period he is kept out of employment, up to the date of the final decision in the case, based on his average wages for the twelve months preceding the date of dismissal.

(6) In any prosecution under this section the burden of proving that an employer dismissed, discharged, reduced or punished any employee in the manner provided in the standing orders shall lie on the employer.

Penalty for declaring illegal lock-out.

94. Any employer who has commenced a lock-out which the Industrial Court holds to be illegal shall, on conviction, be punishable with fine which may extend to two thousand rupees and, in the case of the lock-out being continued after such conviction, with an additional fine

which may extend to two hundred rupees for every day during which such lock-out continues after such conviction.

Penalty for going on illegal strike.

95. Any employee who has gone on strike or who joins a strike which the Industrial Court has held to be illegal, shall, on conviction, be punishable with fine, which may extend to ten rupees and, in the case of a continuing offence, with an additional fine which may extend to one rupee per day for every day during which the offence continues subject to a maximum of fifty rupees.

Power of Industrial Court to declare strik or lock-out to be legal or illegal.

96. Notwithstanding anything contained in sections 94 and 95, the Industrial Court may declare a lock-out or a strike legal or illegal even though the lock-out or strike has ended.

Penalty for instigating, etc., illegal strikes and lock-out.

97. Any person who instigates or incites others to take part in, or otherwise, acts in furtherance of a lock-out for which an employer is punishable under section 92 or a strike for which any employee is punishable under section 95 shall, on conviction, be punishable with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Explanation I.—For the purpose of this section, a person who contributed, collects or solicits funds for the purpose of any such strike or lock-out shall be deemed to act in furtherance thereof.

Explanation II.—A person shall be deemed to have committed an offence under this section if before an illegal strike or lock-out has commenced, he has instigated or incited others to take part in, or otherwise acted in furtherance of, such strike or lock-out.

Penalty for disclosing confidential information.

98. If a Conciliator, a member of a Board or a Labour Officer or any person present at, or concerned in, any conciliation proceeding wilfully discloses any information or the contents of any document in contravention of the provisions of this Act, he shall, on conviction, on a complaint made by the party who gave the information or produced the document in such proceeding, be punishable, with fine which may extend to one thousand rupees.

Penalty for illegal change.

99. Any employer who makes any change which the Industrial Court holds to be illegal or fails to carry out the terms of any registered agreement or any settlement or award, or of any decision or order of the Industrial Court resu*t*ing in an alteration in an industrial matter shall, on conviction, be punishable with fine which may extend to five thousand rupees, and in the case of a continuing offence with an additional fine which may

extend to two hundred rupees per day for every day during which the offence continues.

Penalty for contravention in standing order.

100. Any employer who acts in contravention of a standing order settled under Chapter VI shall, on conviction, be punishable with fine which may extend to one hundred rupees, and in the case of a continuing contravention of such standing order, with an additional fine which may extend to twenty-five rupees per day for every day during which such contravention continues.

Penalty for obstructing person from carrying out duties.

101. Any person who wilfully refuses entry to the Commissioner of Labour or a Labour Officer or any other competent officer to any place which he is entitled to enter, or fails to produce any document which he is required to produce, or fails to comply with any requisition or order issued to him by or under the provisions of this Act or the rules made thereunder shall, on conviction, be punishable with fine which may extend to five hundred rupees.

Penalties for offences not provided for elsewhere.

102. Whoever contravenes any of the provisions of this Act or any rule made thereunder shall, on conviction, if no other penalty is elsewhere provided by or under this Act for such contravention, be punishable with fine which may extend to one hundred rupees and, in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder with fine which may extend to two hundred rupees.

Recovery of fines.

103. The amount of any fine imposed by any Court under this Act shall be recoverable as arrears of land revenue.

CHAPTER XVI.

Record of Industrial Conditions.

Record of conditions of work, etc.

104. The Government may in respect of any industry—

(*a*) maintain in the prescribed manner a record of industrial matters covered by the schedules;

(*b*) require any employer or employers generally to maintain and submit copies of a record in such form as may be prescribed of—

(i) data relating to plant, premises and manufacture,

(ii) other industrial transactions and dealings which in the opinion of the Government are likely to affect the matters specified in clause (*a*).

75

Inquiry for collection of information.

105. (1) For the purpose of verifying the accuracy of any records maintained by an employer under the provisions of section 104 an officer authorised by the Government may, subject to the prescribed conditions, hold an inquiry and may require any person to, and such person thereupon shall, produce any relevant record or document in his possession and may, after reasonable notice, at any reasonable time, enter any premises wherein he believes such record or document to be, and may ask any question necessary for verifying such records:

Provided that where such premises are not the usual business premises of a person, such officer shall not without the previous permission of the Government enter them under this sub-section.

(2) Any proceeding held by him for the purpose of obtaining information for such record shall be deemed to be a judicial proceeding within the meaning of section 192 of the Indian Penal Code.

CHAPTER XVII.

MISCELLANEOUS.

Modifications in Schedules.

106. The Government may, by notification in the Official Gazette and subject to the condition of previous publication at any time, make any additions to or alterations in the industrial matters specified in Schedule I or II or may delete therefrom any such matter:

Provided that before making any such addition, alteration or deletion, a draft of such addition, alteration or deletion shall be published for the information of all persons likely to be affected thereby, and the Government shall consider any objection or suggestion that may be received by it from any person with respect thereto.

Agreement, etc., on whom binding.

107. A registered agreement, or a settlement, submission or award shall be binding upon all persons who are parties thereto:

Provided that—

(*a*) in the case of an employer, who is a party to such agreement, settlement, submission or award, his successors, heirs or assigns in respect of the industrial concern as regards which the agreement, settlement, submission or award is made, and

(*b*) in the case of a registered association which is a party to such agreement, settlement, submission or award, all persons who were members of such association at the date of such agreement, settlement, submission or award or who become members of the association thereafter,

shall be bound by such agreement, settlement, submission or award.

Order or decision of the Industrial Court on whom binding.

108. An order or decision of the Industrial Court against an employer shall bind his successors in interest, heirs and assigns in respect of the industrial concern as regards which it is made or given, and an order or decision against a registered association shall bind all persons who were members of the association at the date of the order or decision or who become members of the association thereafter.

Agreement, etc., when to cease to have effect.

109. (1) A registered agreement, or a settlement or award shall cease to have effect on the date specified therein, or, if no such date is specified therein, on the expiry of the period of two months from the date on which notice in writing to terminate such agreement, settlement or award, as the case may be, is given in the prescribed manner by any of the parties thereto to the other party.

(2) Nothing in this section shall prevent the terms of a registered agreement or a settlement being changed or modified by mutual consent of the parties affected thereby.

(3) Notwithstanding anything contained in sub-section (1) or (2), if a registered agreement, or a settlement or award provides that it shall remain in force for a period exceeding one year, it may, after the expiry of one year from the date of its commencement, be terminated by either party thereto giving two months' notice in the prescribed manner to the other party.

(4) The party giving notice under sub-section (1) or (3) shall send a copy of it to the Commissione of Labour, Registrar and the Labour Officer of the local area concerned.

(5) If a registered agreement, or a settlement or award is terminated under sub-section (1) or (3) or if the terms of a registered agreement or a settlement are changed or modified by mutual consent, notice of such termination, change or modification shall be given by the parties concerned to the Commissioner of Labour, Registrar and the Labour Officer.

The Registrar shall enter the notice of such termination, change or modification in a register kept for the purpose.

Explanation.—For the purposes of this section, parties who shall be competent to terminate a registered agreement or a settlement or award, or to change or to modify the terms of a registered agreement, or a settlement and who shall give notice of such termination, change or modification under sub-section (5) shall be the employer who has signed the agreement or settlement or who is a party to the award or the heirs, successors or assigns of such employer in respect of the industrial concern concerned and the association affected by the agreement, settlement or award.

Offence by companies, etc.

110. Where a person committing an offence under this Act is a company, or other body corporate, or an association of persons (whether incorporated or not), every director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Information furnished by party to be treated as confidential.

111. (1) If a party to an industrial dispute giving any information or producing any document in any proceeding under this Act, makes a request in writing to the Conciliator, the Board, the Court, or the Industrial Court, as the case may be, that such information or the contents of such document may be treated as confidential, the Conciliator, the Board, the Court or the Industrial Court, as the case may be, shall direct that such information or document be treated as confidential.

(2) The Conciliator or any member of the Board, the Court or the Industrial Court or any person present at, or concerned in, any proceeding under this Act shall not disclose any information or the contents of any document in respect of which a request has been made under sub-section (1) without the consent in writing of the party making the request under the said sub-section.

(3) Nothing in this section shall apply to disclosure of any information or the contents of any document for the purpose of a prosecution under this Act or under any other law for the time being in force.

Repeal of Act XIII of 1942.

112. The Mysore Labour Act, 1942, is hereby repealed.

Protection of persons acting in good faith.

113. No suit, or other proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Jurisdiction of courts.

114. No criminal court inferior to that of a Magistrate of the First Class shall try offences under this Act.

Rules.

115. (1) The Government may, subject to the conditions of previous publication, make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely,—

(*a*) the powers and procedure of Conciliators, the Board, the Court of Inquiry and the Industrial Court including rules as to the summoning of witness, the production of documents relevant to the subject-matter of the dispute, the number of members necessary to form a quorum and the manner of submission of reports and awards;

(*b*) the allowances admissible to members of the Board, the Court of Inquiry and the Industrial Court and to assessors and witnesses;

(*c*) the authority to be prescribed under sub-clause (*c*) of clause (10) of section 3;

(*d*) the registers to be maintained by the Registrar under sub-rule (2) of section 5;

(*e*) the qualifications of members of the executive and other officers of a registered association;

(*f*) the fee to be paid and the form of certificate of registration to be issued under section 17;

(*g*) the fee to be paid under sub-section (1) of section 19 for re-registration;

(*h*) the manner in which standing orders may be submitted under section 39;

(*i*) the form in which notice of change is to be given and the persons to whom copies of such notices are to be sent under section 44;

(*j*) the manner of forwarding the memorandum of agreement under sub-section (3) of section 45;

(*k*) the form in which the statement shall be forwarded under sub-section (1) of section 49;

(*l*) the manner of holding conciliation proceedings under sub-section (1) of section 52;

(*m*) the form in which the memorandum of statement shall be drawn up and the manner of its publication under section 54;

(*n*) The manner of giving notice under sub-section, (2) of section 55;

(*o*) the manner of publication of submission under sub-section (3) of section 62;

(*p*) the manner in which the record shall be maintained under section 104;

(*q*) the conditions to be prescribed under sub-section (1) of section 105;

(*r*) the manner of giving notice under section 109;

(*s*) any other matter which has to be or may be prescribed.

SCHEDULE I.

1. Classification of employees, *e.g.*, permanent, temporary, apprentices, probationers, etc.

2. Manner of notification to employees of periods and hours of work, holidays, pay days and wage rates.

3. Notice to be given to employees of starting, alteration or discontinuance of two or more shifts in a department or departments.

4. Closure or re-opening of a department or a section of a department or the whole of the industrial concern.

5. Attendance and late coming.

6. Leave, conditions, procedure and authority to grant.

7. Holidays, procedure and authority to grant.

8. Liability to search and entry into premises by certain gates.

9. Temporary stoppages of work, including playing off, and rights and liabilities of employers and employees arising therefrom.

10. Termination of employment notice to be given by employer and employee.

11. Punishment for misconduct and the acts or omissions which constitute misconduct.

12. Means of redress of employees against unfair treatment or wrongful exaction on the part of the employer or his agent or servant.

13. Shift working.

14. Rules of discipline.

SCHEDULE II.

1. Reduction intended to be of permanent or semi-permanent character in the number of persons employed or to be employed in any occupation or process or department or departments or in a shift not due to *force majeure*.

2. Permanent or semi-permanent increase in the number of persons employed or to be employed in any occupation or process or department or departments.

3. Dismissal of any employee except as provided for in the standing orders applicable under this Act.

4. Rationalisation or efficiency or other new systems of work.

5. Starting, alteration or discontinuance of shift working otherwise than in accordance with the standing orders applicable under this Act.

6. Withdrawal of any customary concession or privilege or change in usage.

7. Introduction of new rules of discipline or alteration of existing rules and their interpretation, except in so far as they are provided for in the standing orders applicable under this Act.

8. Wages including the period and mode of payment.

9. Hours of work and rest intervals.

SCHEDULE III.

Industries which may be declared to be public utility services under sub-clause (vi) of clause (20) of section 3.

1. Transport (other than railways) for the carriage of passengers or goods by land, water or air.

2. Cotton textiles.

3. Foodstuffs.

4. Iron and steel.

Statement of objects and Reasons.

With a view to provide for the organisation of industrial employees into associations to secure their welfare, and the settlement of industrial disputes, the Mysore Labour Act was enacted in the year 1942. A Committee was appointed in December 1944 consisting of representatives of Government, employers and employees to review the labour laws in force and to suggest suitable changes. The Committee submitted its report in 1946 in which *inter alia* certain amendments to the Mysore Labour Act, 1942, were also suggested. Since the Committee made its report, the Labour laws in force in the Provinces have been revised.

It is considered necessary that the rights and liabilities of labourers in Mysore should, as far as possible, be similar to those of the employees in the Provinces. A consolidated Mysore Labour Bill has accordingly been brought forward.

The Bill makes provision for the recognition of labour associations in any industrial concern and confers on them certain rights and privileges. The provision made in the Act of 1942 for the settlement of industrial disputes was found to be inadequate. Provision is made in the Bill for the settlement of such disputes by conciliation by conciliators or special conciliators or by a board of conciliation and by arbitration. Power is also taken to establish an Industrial Court for the settlement or the adjudication of industrial disputes. Provision has also been made for enabling Government to assume control of any industrial concern in certain circumstances if it is found necessary to do so, for securing public safety or convenience or the maintenance of public order or supplies essential to the life of the community or for maintaining employment.